

Appl. No. 10/755,996  
Amendment Dated October 20, 2008  
Reply to Office Action of August 19, 2008

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In the Claims:

Claim 1 (Previously Presented). The implantable device according to claim 30, wherein said body has a side surface interconnecting said first surface and said second surface.

Claims 2-3 (Canceled).

Claim 4 (Previously Presented). The device of claim 30 wherein the bone growth promoting material includes collagen.

Claim 5 (Original). The device of claim 4 wherein the collagen is in the form of apatite compositions with collagen.

Claim 6 (Original). The device of claim 4 wherein the bone growth promoting material includes demineralized bone.

Claim 7 (Original). The device of claim 6 wherein the demineralized bone is a powder.

Claim 8 (Previously Presented). The device of claim 30 wherein the body has an open cellular structure to provide cavities in which bone can grow through.

Claim 9 (Original). The device of claim 8 wherein the body is made of a biocompatible metallic material.

Claim 10 (Original). The device of claim 9 wherein the body is made of tantalum.

Claims 11-12 (Canceled).

Claim 13 (Original). The device of claim 8 wherein at least some of the cavities contain a bone growth promoting material.

Claim 14 (Cancelled).

Claim 15 (Previously Presented). The device of claim 36 wherein said fastener includes a screw.

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Claims 16-18 (Canceled).

Claim 19 (Previously presented). The device of claim 1 wherein at least a portion of the side surface has a configuration corresponding to at least a section of an outer side surface of one of the first and second bones.

Claim 20-29 (Canceled).

Claim 30 (Currently Amended). An implantable device for reversibly changing a spatial relationship between a first bone and a second bone from a wide position to a narrow position, comprising:

a first surface configured to abut the first bone in the wide position and the narrow position;

a second surface configured to abut the second bone in the wide position and the narrow position, said second surface having no fastener to fix said second surface to the second bone; and

a body interconnecting said first surface and said second surface, said body being coated with a bone growth promoting material;

a side surface spanning said first surface and said second surface;

a channel being formed through said first surface and said side surface; and

a fastener being disposed in said channel for fixedly connecting said body to the first bone;

said first surface maintaining an equal distance from said second surface when moving the first bone and the second bone from the wide position to the narrow position; and

the implant being fixed to only one of the bones.

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Claim 31 (Previously Presented). The implantable device according to claim 30, wherein the implantable device is rotated about an axis to move between the wide position and the narrow position.

Claim 32 (Previously Presented). The implantable device according to claim 31, wherein the implantable device does not move longitudinally along said axis when moving from the wide position to the narrow position.

Claim 33 (Withdrawn). The implantable device according to claim 30, further comprising a means for changing from the wide position to the narrow position.

Claim 34 (Canceled).

Claim 35 (Previously Presented). The implantable device according to claim 30, wherein said bone growth promoting material includes a bone morphogenic protein.

Claim 36 (Canceled).

Claim 37 (Previously Presented). The implantable device according to claim 30, wherein said fastener has an end proximate said side surface, said end being nested within said side surface.

Claim 38 (Previously Presented). The implantable device according to claim 30, where said fastener angularly extends at an acute angle through said side surface to said first surface.

Claim 39 (Previously Presented). The implantable device according to claim 30, wherein said first surface tapers to form a pointed edge with said second surface.

Claim 40 (Canceled).

Claim 41 (Currently Amended). An implantable device for reversibly changing a spatial relationship between a first bone and a second bone from a wide position to a narrow position, comprising:

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a first surface configured to abut the first bone in the wide position and the narrow position;

a second surface configured to abut the second bone in the wide position and the narrow position, said second surface having no fastener to fix said second surface to the second bone;  
and

a body interconnecting said first surface and said second surface;

a side surface spanning said first surface and said second surface;

a channel being formed through said first surface and said side surface; and

a fastener being disposed in said channel for fixedly connecting said body to the first bone;

said first surface maintaining an equal distance from said second surface when moving the first bone and the second bone from the wide position to the narrow position; and

the implant being fixed to only one of the bones.

Claim 42 (Canceled).

Claim 43 (Currently Amended). An implantable device for reversibly changing a spatial relationship between a first bone and a second bone from a wide position to a narrow position, comprising:

a first surface configured to abut the first bone in the wide position and the narrow position;

a second surface configured to abut the second bone in the wide position and the narrow position, said second surface having no fastener to fix said second surface to the second bone;

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a body interconnecting said first surface and said second surface and having a side surface spanning said first surface and said second surface; and

a first fastener being inserted through said first surface and said side surface and being configured to connect said body to the first bone;

said first surface maintaining an equal distance from said second surface when moving from the wide position to the narrow position;

the implant being fixed to only one of the bones.

Claim 44 (Previously Presented). The implantable device according to claim 43, further comprising a second fastener being inserted through said second surface and said side surface and being configured to connect said body to the second bone.

Claim 45 (Previously Presented). The implantable device according to claim 41, wherein said fastener has an end proximate said side surface, said end being nested within said side surface.

Claim 46 (Previously Presented). The implantable device according to claim 43, wherein said fastener has an end proximate said side surface, said end being nested within said side surface.